

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

RHONDA FLEMING,	§	
	§	
Plaintiff,	§	
	§	
	§	
V.	§	Civil Action No: 4:12-CV-00452
	§	
DR. LESLIE POWERS, THE GEO	§	
GROUP, INC., UNITED STATES	§	
MARSHAL SERVICE, UNITED	§	[REMOVED FROM
STATES OF AMERICA, WARDEN	§	THE 96TH DISTRICT COURT
CHRISTOPHER STRICKLAND,	§	TARRANT COUNTY, TEXAS
MAJOR DURHAM, CYNDEE OATES,	§	CAUSE No: 096-25916-12]
DUSMS, DR. CABELLERO, MYRA	§	
WOMACK, PHARMACY TECH	§	
BROWN, KEEFE COMMISSARY	§	
NETWORK SALES, COMMISSARY	§	
MANAGER VILLAREAL,	§	
ARAMARK CORPORATION,	§	
CYNTHIA MOSLEY, JENNIFER	§	
CALDWELL, MONTGOMERY	§	
COUNTY SHERIFF'S OFFICE,	§	
R. CHRISTOPHER GOLDSMITH,	§	
and \$1,846,668.98,	§	
	§	
Defendants.	§	
	§	
	§	
	§	

NOTICE OF REMOVAL

The Defendant, United States of America, in the above-entitled and numbered cause files this Notice of Removal of Cause No: 096-25916-12, presently pending in the 96th District Court, Tarrant County, Texas to remove the case to the United States District Court

for the Northern District of Texas, Fort Worth Division, and will show the Court the following:

1. The Notice of Removal is timely filed as it is filed within 30 days after the receipt by the United States of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, pursuant to 28 U.S.C. § 1446(a).
2. This action is removable under 28 U.S.C. §§ 1441, 1442, 2679, and 1346(b)(1) because it constitutes a tort claim for personal injury against the federal government or its agency and employees and such a claim may only be brought in federal court.
3. In accordance with Local Rule 81.1(a)(3) of the Local Rules of the United States District Court for the Northern District of Texas, the following documents are attached.
 - An index of all documents filed in state court in this matter. (L.R. 81.1(1)(3)(A)).
 - A copy of the docket sheet in the state court action (L.R. 81.1(a)(2)(B)).
 - Copies of each document filed in the state court action. (L.R. 81.1(a)(3)(C)).
4. By filing this Notice of Removal, the Federal Defendant does not waive and expressly reserves, all defenses under Rule 12 of the Federal Rules of Civil Procedure and all other defenses which may be available to them.

Respectfully submitted,

SARAH R. SALDAÑA
UNITED STATES ATTORNEY

/s/ T.J. Johnson
T.J. Johnson
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OF COUNSEL:

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Senior CLC Attorney
United States Department of Justice
Federal Bureau of Prisons
Fort Worth, TX 76127

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served via certified mail, return receipt requested on this 3rd day of July 2012 on:

Justice Court - 96th District
Tim Curry, Justice Center - 7th Floor
401 W. Belknap
Fort Worth, TX 76196-0225
817-884-1450

Rhonda Fleming
FMC Carswell
P.O. Box 27137
Fort Worth, TX 76127

¹Tim Flocos
2402 Rio Grande
Austin, TX 78704
For the GEO Group, Inc and all of its employees/contractors

/s/ T.J. Johnson
T.J. Johnson
Assistant United States Attorney

¹Defendant United States of America serves attorney Tim Flocos based upon Plaintiff's representation in her original complaint that she has served Mr. Flocos, as representative of The Geo Group, Inc., in this matter.